

Mr. President, this amendment deals with the whole issue of off-system bridges. These are bridges that are not part of the State system, are not part of the Federal system, but normally are run by county governments.

In our State, as in most States near or east of the Mississippi River, we have lots of counties. We have 115. They have large numbers of bridges, and for a number of years now they have benefited from 15 percent of the bridge funds that go to States. I think most of us, if we meet with county commissioners or those responsible for county government about their highway concerns, this would be an issue we have all heard about.

The Senator from Pennsylvania Mr. CASEY and I have introduced this amendment. It doesn't change current law. In fact, it just goes forward with current law in this bill. This bill would eliminate the requirement of States to give 15 percent to counties if counties have a use for it, and I think that would be a mistake. So I join Senator CASEY and others in hoping we are able to approve this amendment next week.

Mr. President, I also would like to speak on another amendment, an amendment that we apparently will not vote on; that is, amendment No. 1743. This is not at the desk, I don't think, at this moment, and it doesn't need to be read if it is. But I hope this is an issue that, as this Transportation bill progresses, we can continue to look at.

This is an amendment I have introduced with the Senator from South Carolina, Mr. DEMINT, and the Senator from Utah, Mr. LEE, on the commerce portion of the highway bill. Overall, almost every portion of this bill has gone through the open process of committee hearings, of markups, and now of floor time. The one part of this bill that hasn't had a committee markup or even a committee hearing in this Congress is the rail portion of the bill. In fact, the first time I saw this version of the bill was just a few weeks ago when the underlying bill was already pending and it was too late to have the normal process to look at what could happen and should happen as it relates to railroads.

As a member of the committee of jurisdiction, the Commerce Committee, I am concerned we haven't done our due diligence, and my amendment would simply strike this section of the bill in response to this closed process. I hope that is the final determination of this bill before it goes to the President's desk.

Since the Congress abolished the Interstate Commerce Commission in 1995, there has been no Federal licensing system for entry or exit of new rail passenger operators, only Federal requirements to ensure safety. That meant anybody who wanted to get into this business could, as long as they met the safety requirements. Currently, State transportation agencies increasingly use competitive bidding to

choose a contract rail operator who can provide the best value. As a result, we are starting to see an actual competitive and robust rail passenger market with more than seven companies—which includes Amtrak but isn't limited to Amtrak—competing for these contracts.

Unfortunately, the language in the highway bill requires passenger rail operators, both public agencies and private businesses, to deal with an expensive and time-consuming licensing process in front of political employees at the Surface Transportation Board. However, this new regulation will not apply to Amtrak, putting its competitors at a distinct disadvantage. The bill, as it stands, would subject the passenger rail industry to an ever-changing political dynamic at the discretion of the Surface Transportation Board, likely resulting in a government-sanctioned passenger rail monopoly. The board would also hold broad veto powers to prevent a track-owning railroad to make agreements with any preferred operator other than Amtrak.

This bill would also require passenger rail operators to obtain a new board license every time a contract operator is replaced. This requirement appears to be aimed at preventing competitive selection of private sector contract operators, discouraging the replacement of operators through competitive bidding.

At a time when we are looking to promote private sector job creation, I believe this language is simply a step in the wrong direction. If this language becomes law, it will stifle any kind of private sector competition and job growth. The seven companies that have been formed in recent years and that compete actively against each other will no longer be doing that, and it will promote a government-run, taxpayer subsidized rail system.

My amendment would take this language out of the bill so that we could go through the normal process and decide if that is what we want. If the Congress, through the normal process, decides that is what we want to do, that is one thing. But putting it in a big bill without hearings—a bill we all believe to be important—is the wrong step.

The American Public Transportation Association, the American Association of State Highway and Transportation Officials, the National Railroad Construction and Maintenance Association, the United Brotherhood of Carpenters and Joiners of America all support this amendment.

We will not be voting on it next week. But I hope as this bill progresses toward what could be a signature by the President we at some point take another look at this part of the bill and decide if this is a step that is in the best interest of the country or of rail passengers now and in the future. I think the answer to that is no. I am prepared to live with whatever the answer is, if it is an answer we arrive at through the normal process.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that the vote changes entered by Senators MURKOWSKI and COLLINS reflect that the vote on the Vitter amendment was vote No. 28.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, March 13, the Senate resume the sequence of votes remaining under the previous order at a time to be determined by the majority leader after consultation with the Republican leader, with all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING DONALD E. GIRDLER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a man who has spent his life working to help build a better Kentucky and a better United States of America. Mr. Donald E. Girdler of Pulaski County, KY, better known as simply "Donnie," recently passed away. He was 63 years old.

Mr. Girdler was passionate about politics, and he made it his life's work. He entered the political arena when he first worked on the campaign of my good friend Congressman HAL ROGERS of Kentucky's Fifth Congressional District. Mr. Girdler had worked for HAL as a detective for 5 years before HAL, then a Commonwealth's attorney, decided to make a run at the U.S. House of Representatives. The political savvy and direction that Mr. Girdler would bring to the table would propel HAL ROGERS to victory.

There was a definite sense of gratitude from the Congressman for his trustworthy friend, Donnie Girdler. Mr. Girdler was at home in the world of politics and made connections in Washington, DC, that included becoming personally acquainted with five different Presidents of the United States and becoming personal friends with President George H.W. Bush and President George W. Bush.

Donnie went on to work for over a quarter of a century for Rogers before finally retiring and returning to offer his much sought after insight in local politics. He made friends in several southeastern Kentucky counties and helped many of them get elected to public office. Mr. Girdler became a distinguished political consultant for the Commonwealth of Kentucky because of his years of experience and, most importantly, his absolute love of public service.